

ENTERED

November 14, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

FRANCISCO JASSO, <i>individually</i>	§
<i>and on behalf of others similarly</i>	§
<i>situated,</i>	§
	§
Plaintiff,	§
	§
VS.	§ CIVIL ACTION NO. 5:20-CV-212
	§
HC CARRIERS, LLC,	§
	§
Defendant.	§

ORDER

The United States Magistrate Judge has issued a Report and Recommendation (the “Report”) (Dkt. No. 53). In the Report, the Magistrate Judge recommends granting the parties’ joint motion to approve their settlement agreement and dismissing this case with prejudice (*id.*). To reach these recommended dispositions, Magistrate Judge found the following:

1. The Court could properly certify Plaintiff’s proposed collective action;
2. The parties had a bona fide dispute over the taxicab exception’s applicability;
3. The parties’ settlement agreement was fair and reasonable; and
4. The attorneys’ fees and expenses to be awarded were reasonable.

(*id.*).

Because the parties did not file objections within the 14-day objection period, they waived their right to a *de novo* review of the Report. *See* 28 U.S.C. § 636(b)(1);

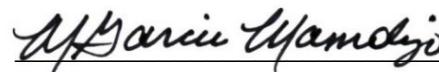
Fed. R. Civ. P. 72(b)(2). Nonetheless, the Court has reviewed the Report and agrees with its ultimate conclusion. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (holding the district judge retains discretion to evaluate the uncontested portions of a report and afford them “such weight as their merit commands”); *United States v. Smith*, 354 F. App’x 99, 101 (5th Cir. 2009).

The Report (Dkt. No. 53) is hereby **ADOPTED**. The parties’ joint motion to approve their proposed settlement agreement (Dkt. No. 46) is **GRANTED**. Plaintiff’s proposed Fair Labor Standards Act collective action (Dkt. No. 5 at 7) is **CERTIFIED**; the parties’ proposed settlement agreement (Dkt. No. 48) is **APPROVED**; and this case is **DISMISSED WITH PREJUDICE** pursuant to the parties’ settlement agreement.

If the parties believe a separate judgment should be entered, they should file a brief and a proposed judgment no later than **November 21, 2022**. Otherwise, the Court will direct the Clerk of Court to terminate this case. Likewise, if the parties believe any portions of the settlement agreement should be sealed, they should file a joint motion no later than **November 21, 2022**. The filings should be supported by adequate citation to, and discussion of, case law and other legal authorities.

It is so **ORDERED**.

SIGNED November 14, 2022.



Marina Garcia Marmolejo
United States District Judge